

FILED 14 APR '23 10:11 USDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND

ANDREW L. BARNETT
Plaintiff,

v.

POLK COUNTY; POLK
COUNTY SHERIFF'S
OFFICE; POLK COUNTY
JAIL; and MARK GARTON
POLK COUNTY SHERIFF;
Individually and in his
CAPACITY as POLK CO.
SHERIFF; DEFENDANTS

CASE No. 3:23-cv-557 HZ

CIVIL RIGHTS
COMPLAINT!
= 1983 =

Comes now, Andrew Barnett,
Plaintiff Pro Se, who Presents the following
COMPLAINT AND CLAIM FOR MONEY, DECLARATORY
And inJunctive Relief AS follows:

INTRODUCTION:

1. THIS ACTION PLACES BEFORE THE COURT A LAWSUIT INVOLVING THE CONSTITUTIONALITY OF THE POLK COUNTY JAIL'S INMATE MAIL POLICY. DEFENDANTS POLK COUNTY, POLK COUNTY SHERIFFS OFFICE AND POLK COUNTY SHERIFF MARK GARTON MAKE POLICY FOR AND OPERATE THE COUNTY JAIL IN POLK COUNTY OREGON.

2. THIS COMPLAINT ALLEGES THAT DEFENDANTS ARE VIOLATING FREE SPEECH AND PROCEDURAL DUE PROCESS RIGHTS GUARANTEED THE PLAINTIFF BY THE FIRST AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

3. ON JULY 12, 2022 DEFENDANTS INSTITUTED AN INMATE JAIL MAIL POLICY THAT RESTRICTS INMATES PERSONAL MAIL. ALL INMATES MAIL AS OF JULY 12, 2022 MUST BE SENT TO A 3RD PARTY CENTRAL MAIL PROCESSING VENDOR IN LAS VEGAS NV. THIS CASE PRIMARILY INVOLVES THE CONSTITUTIONALITY OF THAT POLICY; AND THE HARMS AND DEPREVATIONS THAT COME ALONG WITH IT.

PARTIES:

4. THE PLAINTIFF, ANDREW L. BARNETT WAS AT ALL TIMES RELEVANT A PRE TRIAL DETAINEE AT THE POLK COUNTY JAIL.

5. THE DEFENDANT(S) POLK COUNTY; POLK COUNTY SHERIFFS OFFICE; AND POLK COUNTY JAIL ARE THE PUBLIC BODIES AND PLACE WHERE THE CIVIL RIGHTS VIOLATIONS TOOK PLACE.

6. DEFENDANT MARK GARTON (SHERIFF GARTON) AT ALL TIMES RELEVANT WAS THE SHERIFF OF POLK COUNTY, OREGON. SHERIFF GARTON IS THE HIGHEST AUTHORITY IN POLK COUNTY AND IS RESPONSIBLE FOR MAKING AND ENFORCING ALL JAIL RULES AND POLICIES.

7. PLAINTIFFS WIFE AND KEY WITNESS MICHELLE BARNETT AT ALL TIMES RELEVANT TO THIS COMPLAINT WAS MARRIED TO THE PLAINTIFF AND RESIDES AT PO BOX 566 DEPOE BAY OR 97341

Jurisdiction:

8. Jurisdiction is asserted pursuant to the United States Constitution and 42 U.S.C. 1983, to redress the deprivation of those rights secured by the U.S. Constitution.

9. The court has jurisdiction over these matters pursuant to 28 U.S.C. 1331 and 1343.

STATEMENT OF FACTS:

10. On March 15th 2023 Defendant Polk Co. Jail violated a U.S.A. Today newspaper that was delivered for Plaintiff at the Jail. No Prohibited Mail Slip was provided. Nor was Plaintiff or Publisher given the chance to appeal.

11. On March 17, 2023 Defendant Polk Co. Jail again violated a USA Today newspaper that was delivered for Plaintiff. And again no violation slip was given, nor was Plaintiff or Publisher given the chance to appeal.

12. On March 20th Defendants violated a High Points News Periodical; Again Plaintiff got no violation slip, and Plaintiff nor Publisher got a chance to appeal.

13. On April 1st 2023 Plaintiff received photo copies of mail sent to him by his wife, Michelle Barnett. There was photo copies of 4 envelopes, and 4 photo copied greeting cards and approximately 40 photo copied black and white photos. (SEE PLAINTIFFS EXHIBIT 1)

THE SAME DAY PLAINTIFF SPOKE WITH DEFENDANTS, AND WAS TOLD NO MAIL CAN BE SENT TO THE JAIL, AND THAT ALL MAIL IS SENT TO LAS VEGAS... COPIED AND THE ORIGINALS ARE THROWN AWAY.

14. On April 2nd I informed my wife, Michelle Barnett ABOUT THE ABOVE, (SEE DECLARATIONS OF MICHELLE BARNETT (PLAINTIFFS EXHIBIT 2)) SHE CALLED THE DEFENDANTS 27 TIMES 10 OF WHICH WERE CONCERNING ABOVE MAIL ISSUES (ALSO SEE DECLARATION OF MICHELLE BARNETT)

15. BETWEEN March 29th 2023, and April 7th 2023 PLAINTIFF ORDERED 17 BOOKS THROUGH AMAZON (SEE EXHIBIT 3).

16. OF THOSE 17 BOOKS, 10 GOT REJECTED AND SENT BACK WITHOUT EXPLANATION OR A CHANCE FOR PLAINTIFF OR PUBLISHER TO APPEAL.

CAUSE OF ACTION:

17. DEFENDANTS POLK COUNTY SHERIFFS OFFICE AND SHERIFF GARTON WERE AND ARE AWARE OF THE UNCONSTITUTIONALITY OF THE MAIL POLICY:

To curb the introduction of mail contraband, Polk County Jail is implementing a new incarcerated individual mail delivery process. **Effective July 12, 2022**, incoming non-legal mail must be sent to a central mail processing facility at the following address:

Incarcerated Individual Name
Polk County Jail - 1105
PO Box 96777
Las Vegas, NV 89193

This mail processing facility will be operated by Pigeonly. They will open all non-legal mail and scan them into a digital color copy. The digital color copy will be printed and delivered to Polk County Jail. Originals will not be returned to the sender, but they will be temporarily stored then securely destroyed, per Polk County Jail's policy.

18. ON ITS FACE, POLK COUNTY DEFENDANTS HAVING A POLICY THAT GIVES SOME 3rd PARTY VENDOR PERMISSION TO "DESTROY" ORIGINAL PHOTOS AND DRAWINGS MY LOVED ONES SEND IS AT THE VERY LEAST A BRIDGMENT OF MY FREEDOM OF SPEECH... NOT TO MENTION A VIOLATION OF MY DUE PROCESS RIGHTS UNDER THE 14th. I'M A PRE ~~TRIAL~~ TRIAL DETAINEE. THIS FEELS AN AWEFULL LOT LIKE PUNISHMENT.

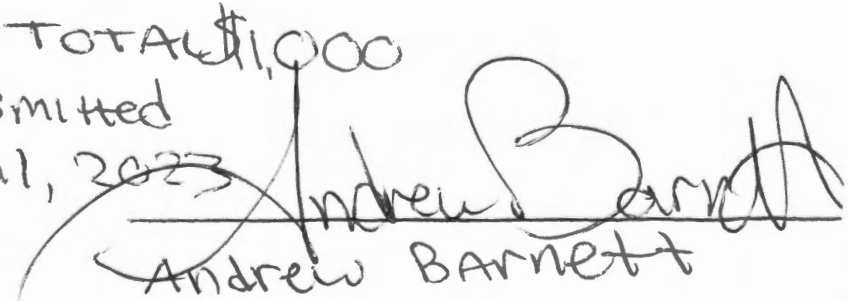
19. THE SAME WITH RESTRICTING AND REFUSING TO LET PLAINTIFF HAVE HIS BOOKS AND PUBLICATIONS. EVERY BOOK AND NEWSPAPER THE DEFENDANTS WITHHELD OR SENT BACK VIOLATED MY RIGHT TO FREE SPEECH AND DUE PROCESS

PRAYER FOR RELIEF

- 20 WHEREFORE, THE PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTERS AN ORDER:
- 21 ISSUING DECLARATORY RELIEF, DECLARING THAT DEFENDANTS UNCONSTITUTIONAL JAIL MAIL POLICY IS IN FACT UNCONSTITUTIONAL;
- 22 ISSUE A PRELIMINARY INJUNCTION ENJOINING DEFENDANTS FROM REJECTING PUBLICATIONS AND NEWS PRINT MEDIA FROM PLAINTIFF; and
- 23 AWARD PLAINTIFF \$500 FOR ALL THE MONEY WASTED ON PUBLICATIONS AND BOOKS IVE NEVER SEEN; AND \$364 FOR THE LOST SUBSCRIPTION OF USA TODAY.
- 24 And Award \$5.00 Per Photo that were DESTROYED Per Polk county Policy $40 \times 5.00 = \$200$.

25 Respectfully submitted
this 13th day of April, 2023

TOTAL \$1,000


Andrew Barnett

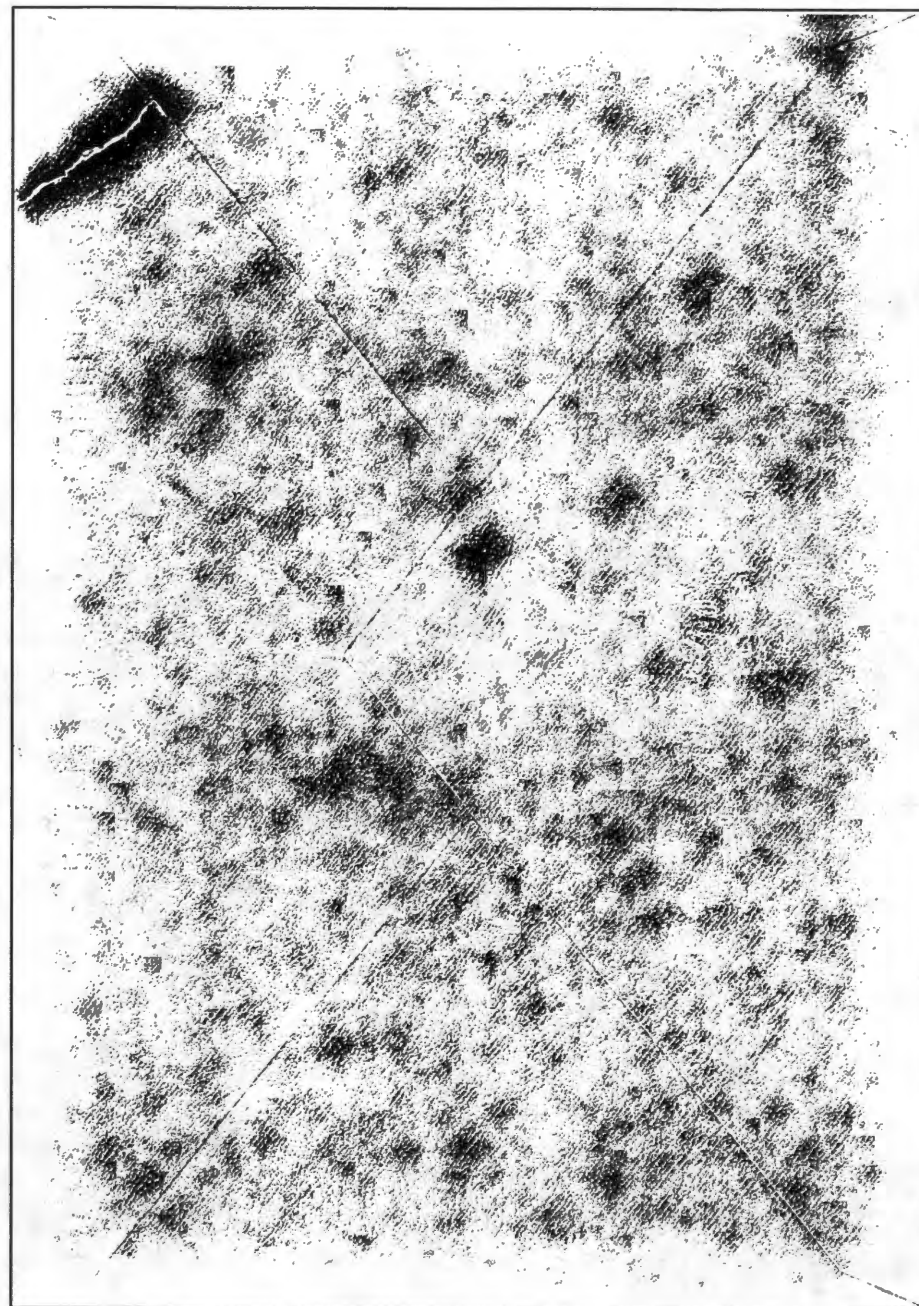
PLAINTIFFS
EXHIBIT
#1

Mail 1

Michelle Barnett
PO Box 566
Depoe Bay OR
97341



Andrew Barnett 63463
Polk County Jail - 1105
P.O. Box 96777
Las Vegas NV 89193















Pigeonly®



Tired of Photocopies? Try Pigeonly Mail!

When your loved ones send you mail online via pigeonly, you'll receive originals, instead of photocopies.



Real Mail, Only with Pigeonly Mail

Friends and family can now send you real photos, greeting cards, letters, and more directly from their cellphones, tablets, or computer. The best part is, with Pigeonly, they can send a limited amount of mail each month for **FREE**.

	Pigeonly Mail	Photo-Copied Mail
Same Day Shipping	✓	
Real Photos & Cards	✓	
Mail Tracking	✓	✓
Free Postage	✓	

Get started by having your loved one text the word "FREE" to 90358



746002

heartline

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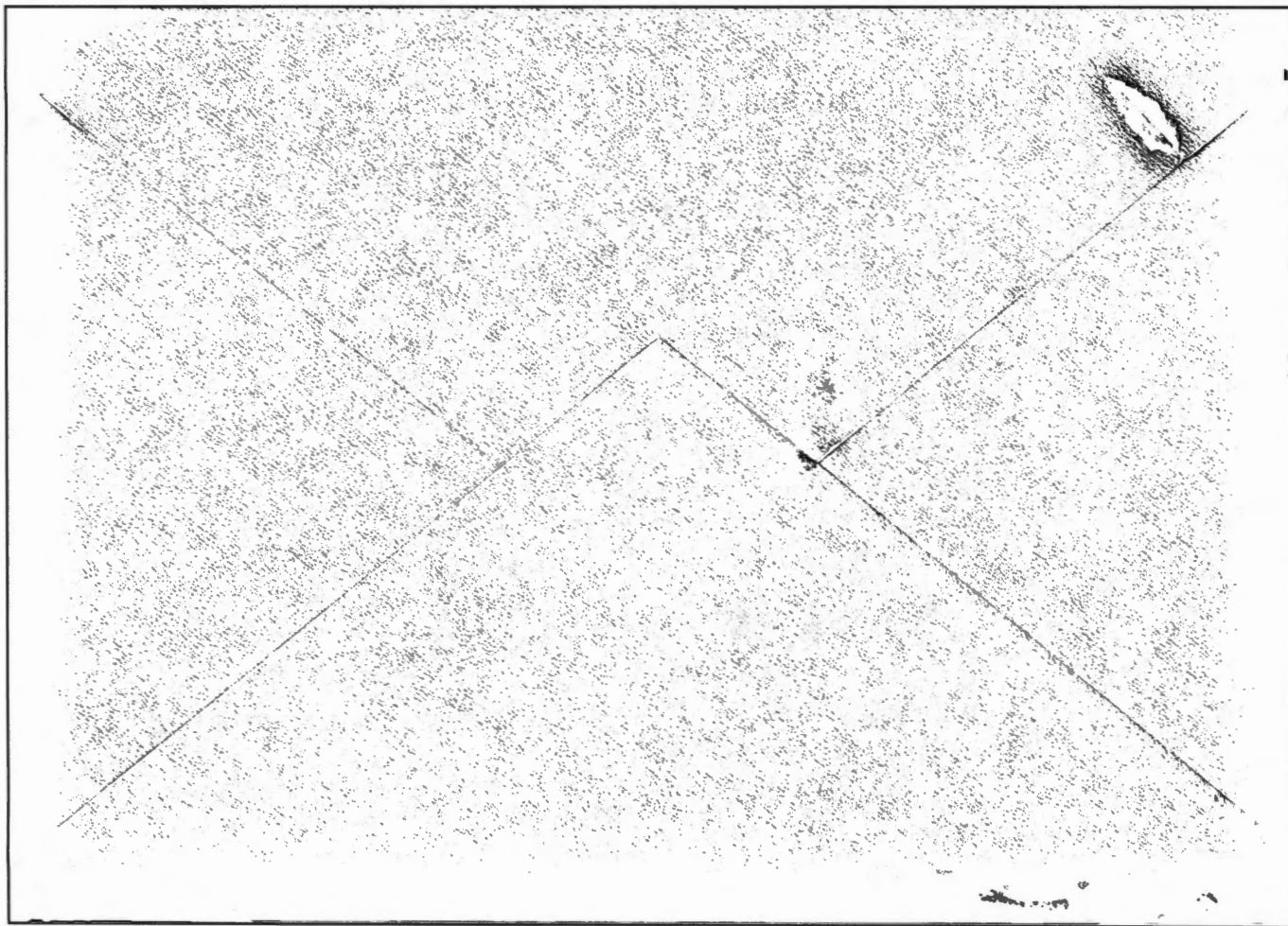
LNL 1002



Love
you

Love
Pie

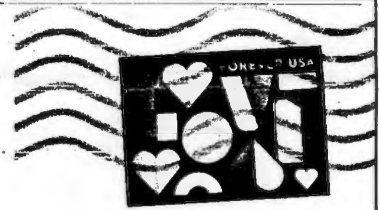
2



Michelle Barnett
PO Box 566
Depoe Bay OR 97341

PORTLAND OR 972

28 MAR 2023 PM 5 L



Andrew Barnett 63463
% Polk County Jail - 1105
PO Box 96777
Las Vegas NV 89193

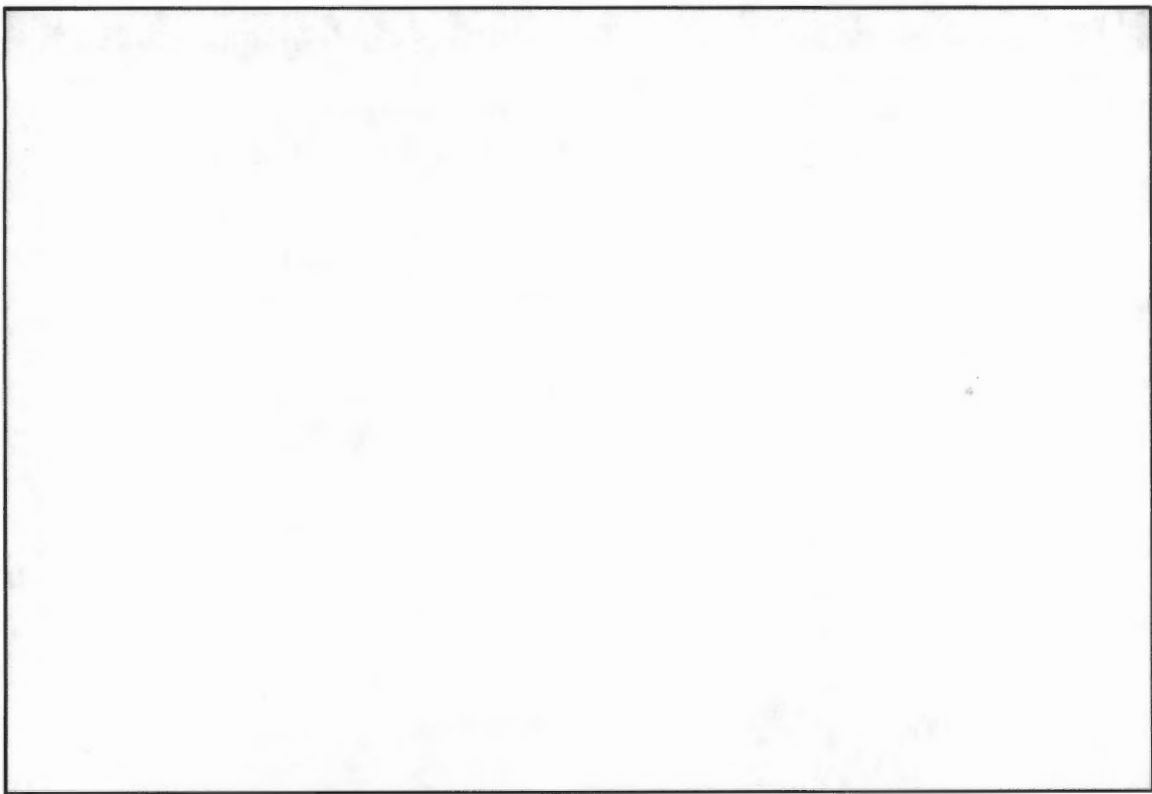
89193-677777

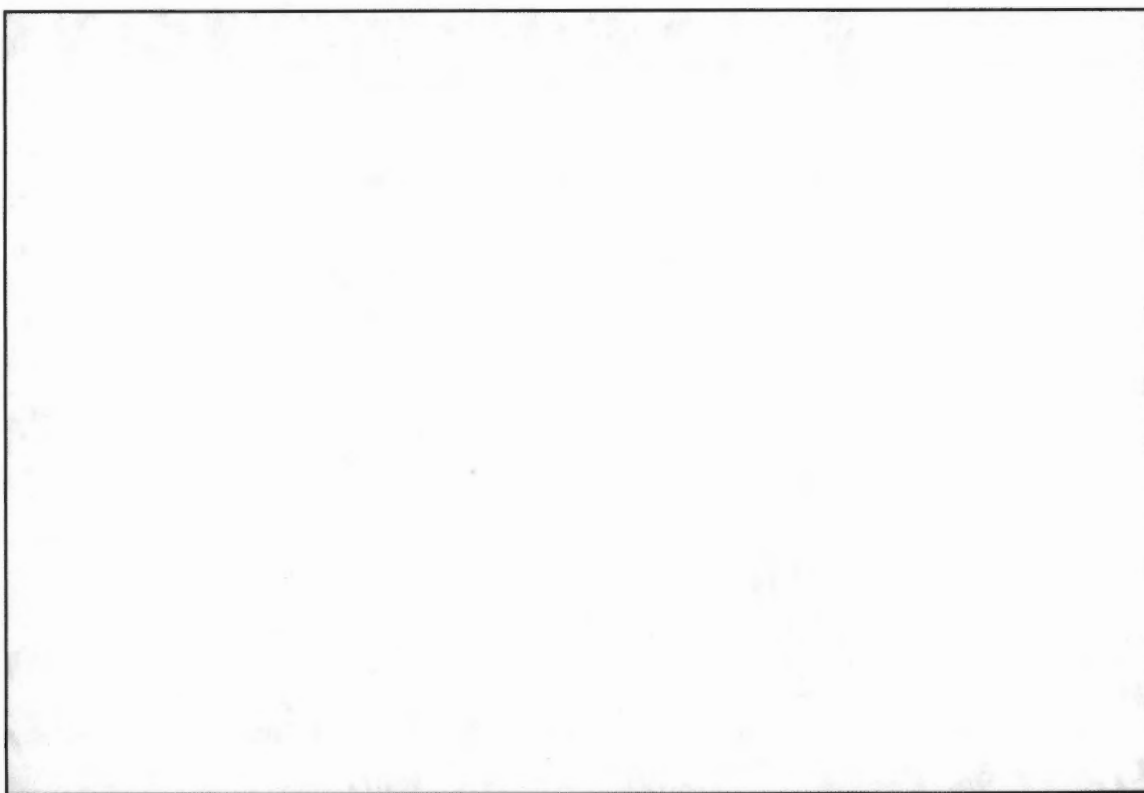




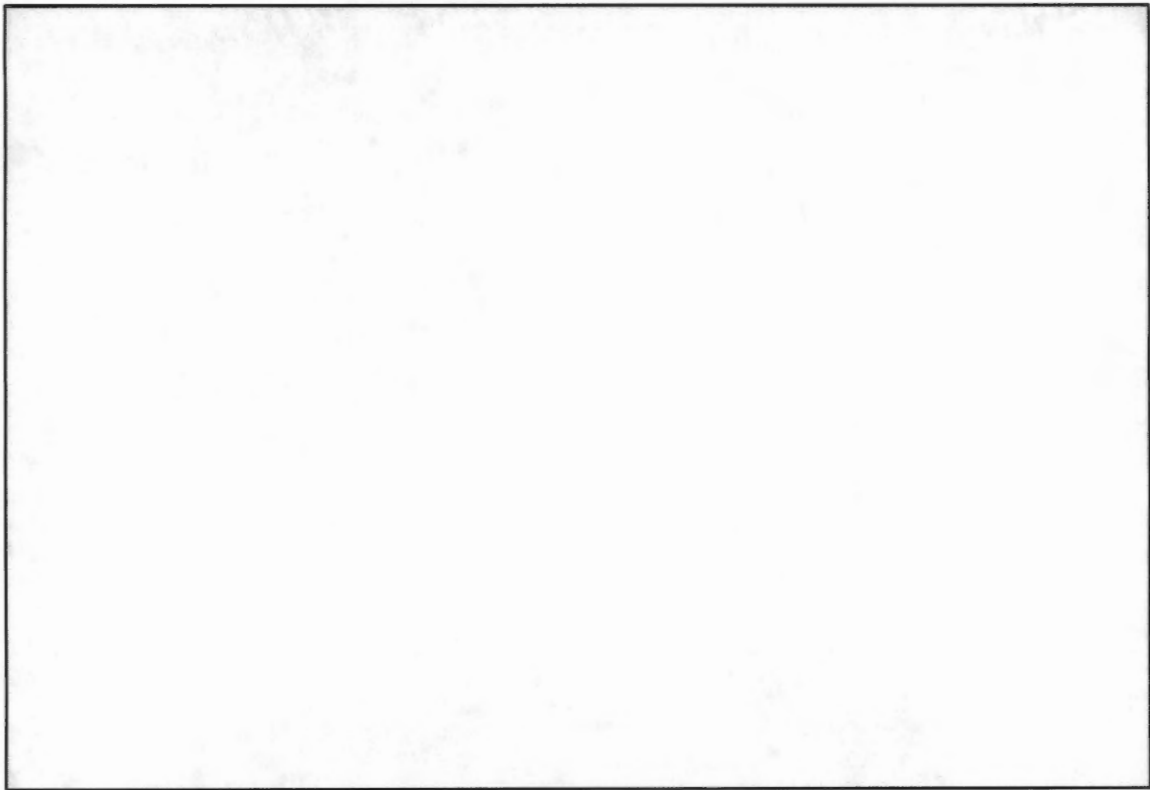






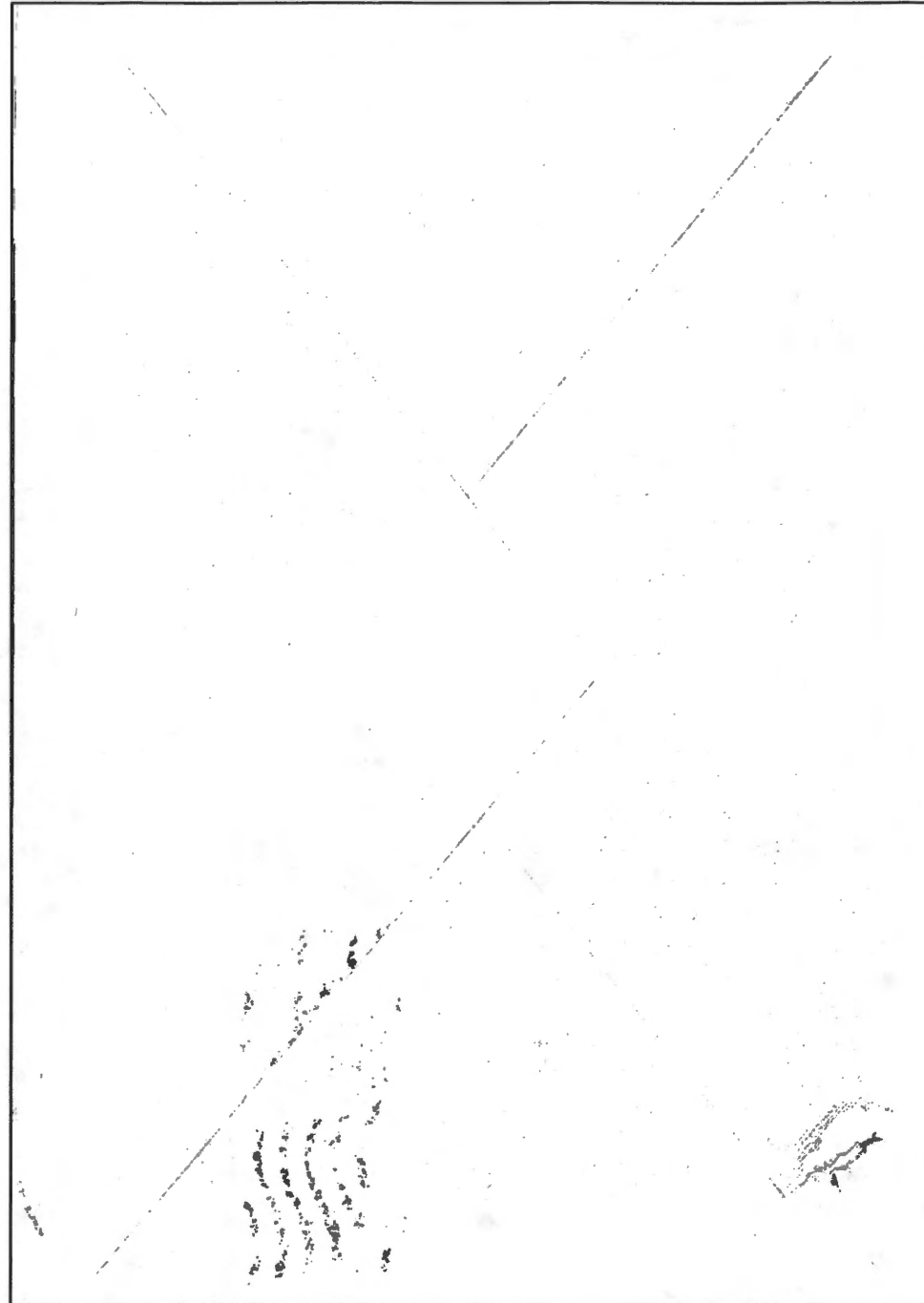






06





Michelle Barnett

PO Box 566

Depoe Bay OR
97341

PORTLAND OR 972

31 MAR 2023 PM 4 L



Andrew Barnett 63463

Polk County Jail - 1105

PO Box 96777

Las Vegas NV 89193

89193-677777

heartline

A  COMPANY

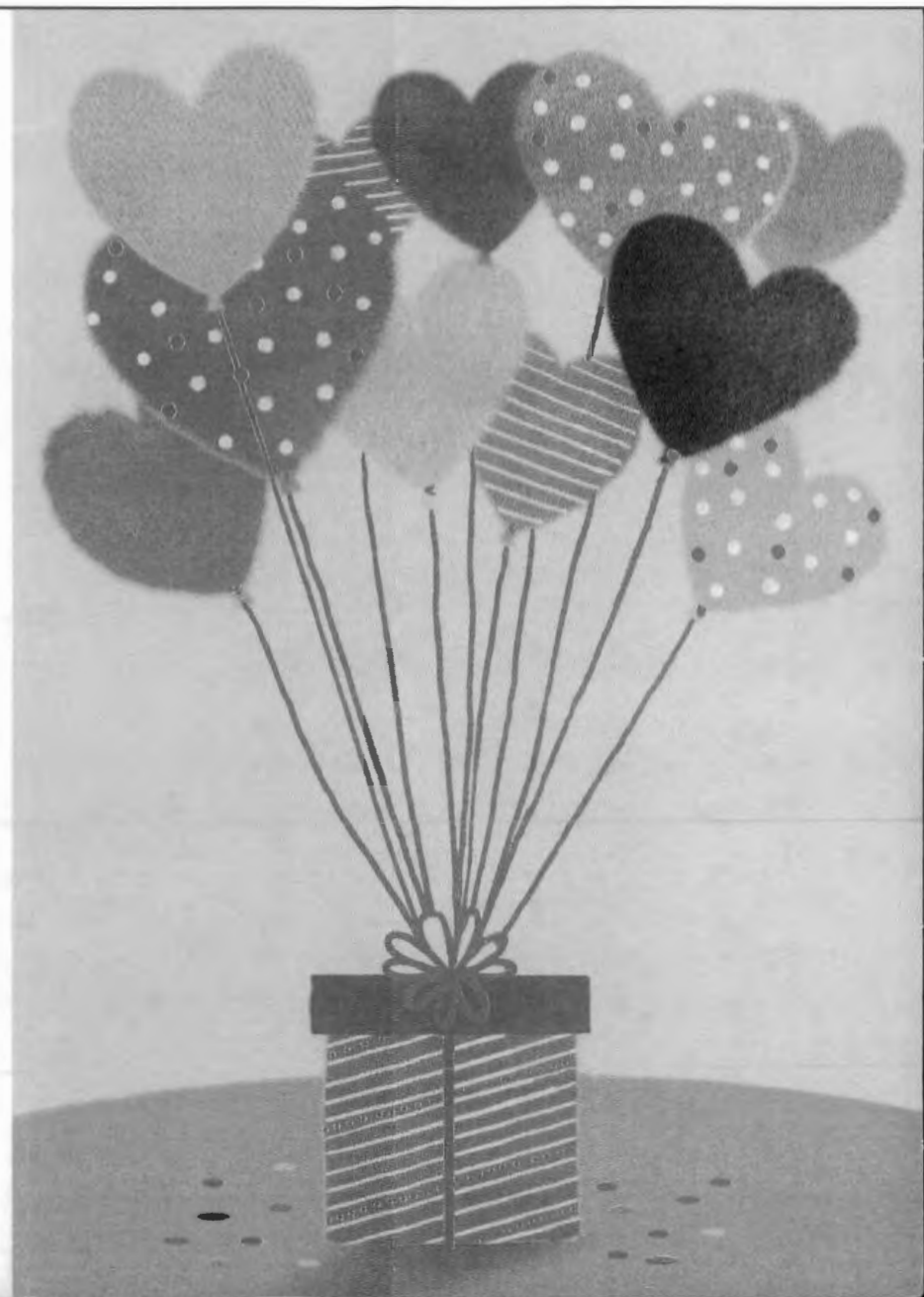
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LNL 2025



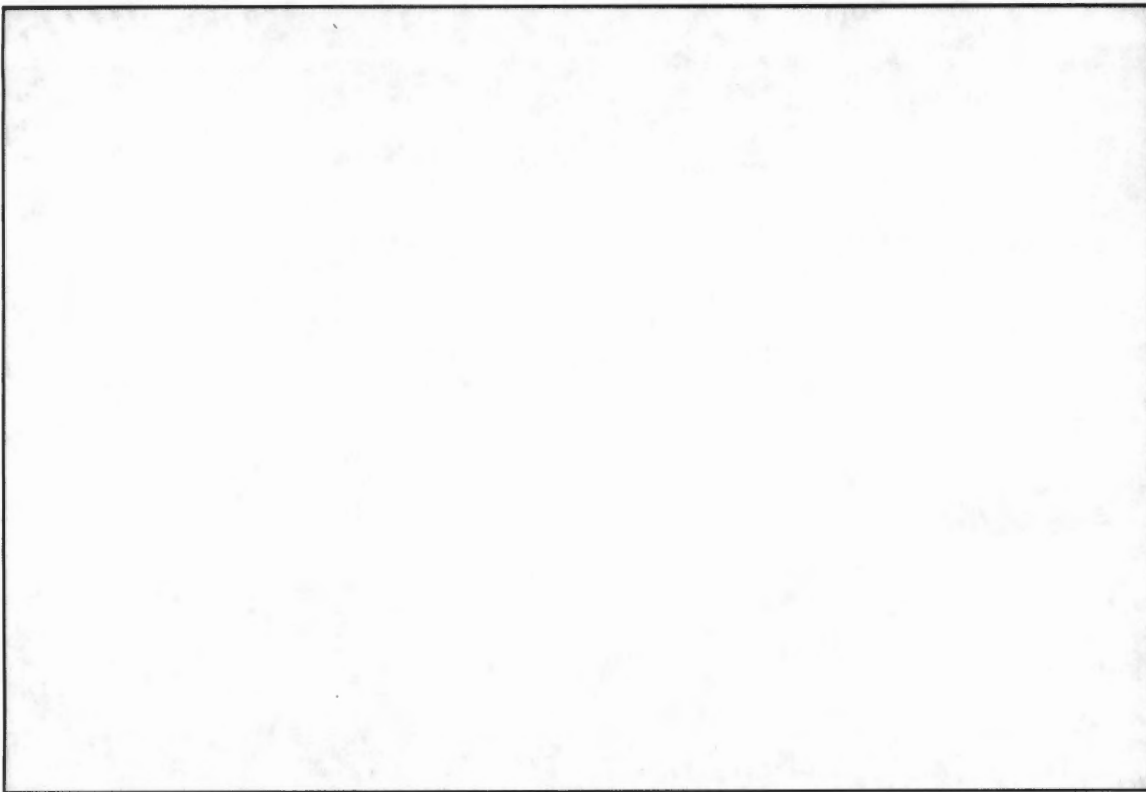
al love

you.

See you

Soon.

Love.
Pie



heartline

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WELL-MANAGED FORESTS

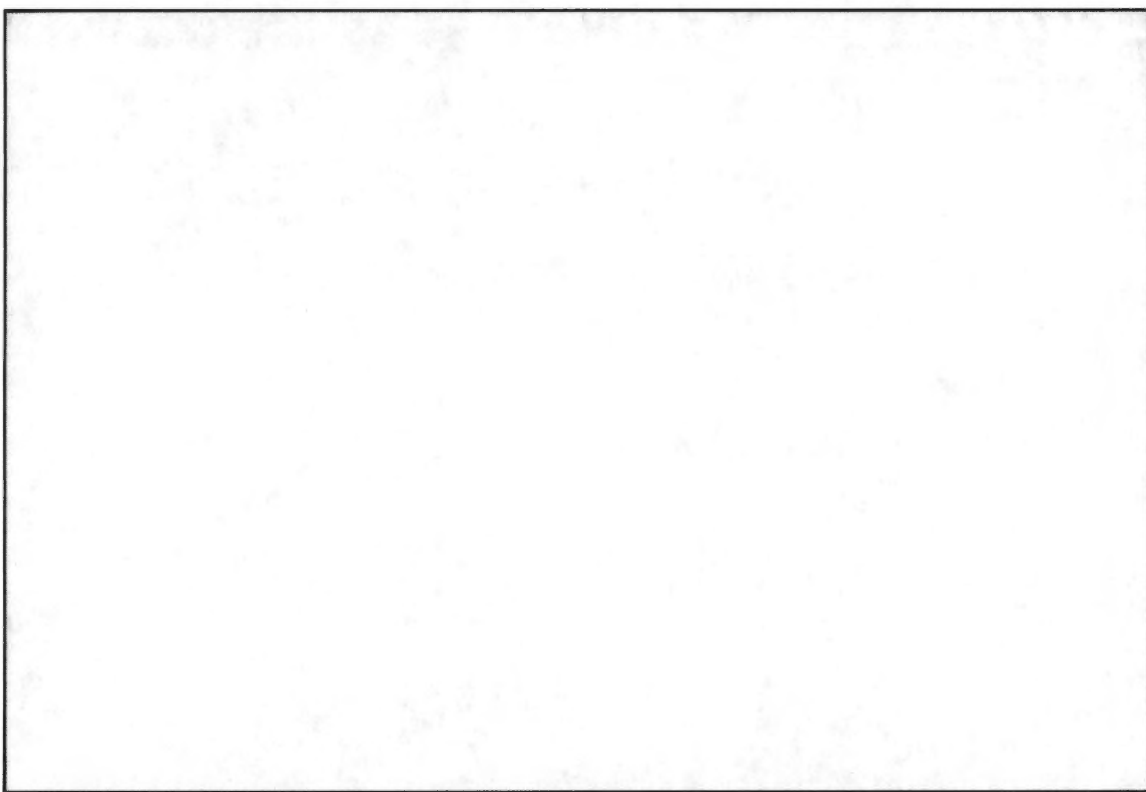
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HALLMARK MARKETING COMPANY, LLC
KANSAS CITY, MO 64141
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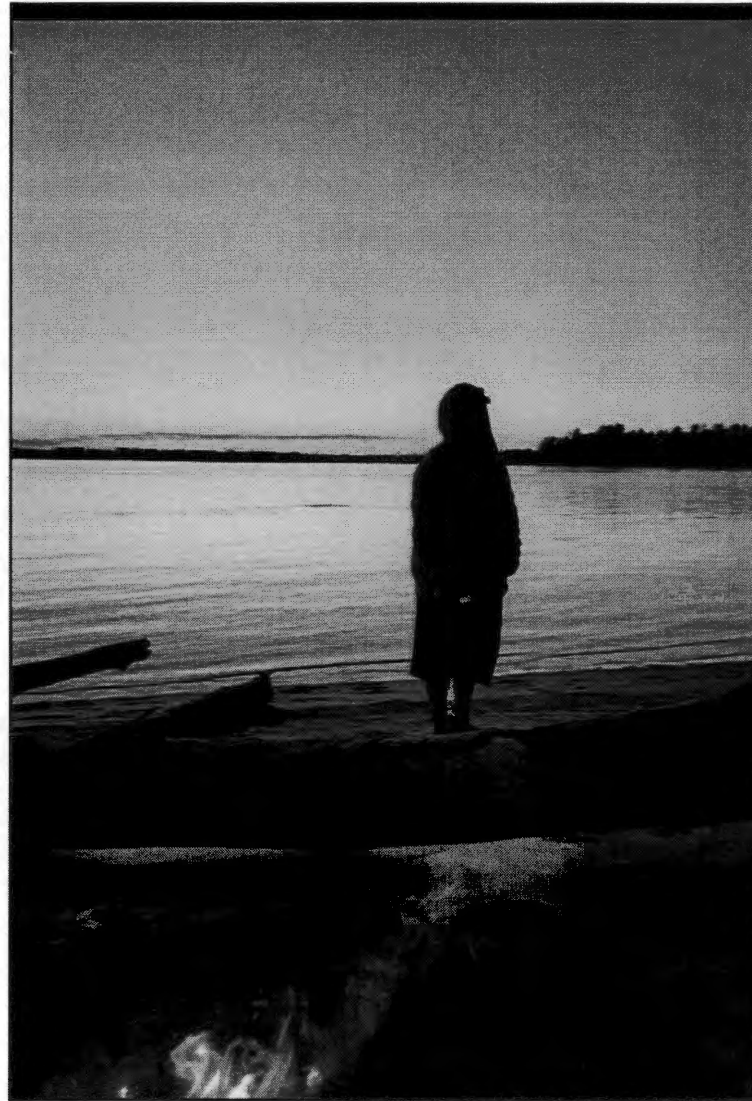
Hallmark.com

LNL 2418



I don't know
the recipe for
HAPPINESS,
but it probably
has a lot of
BACON
in it.







9





06

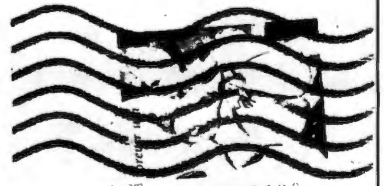




Michelle Barnett
PO Box 566
Depoe Bay OR
97341

PORTLAND OR 972

31 MAR 2023 PM 4 L



Andrew Barnett #63463
Polk County Jail - 1105
PO Box 96777
Las Vegas NV 89193

89193-67777



9



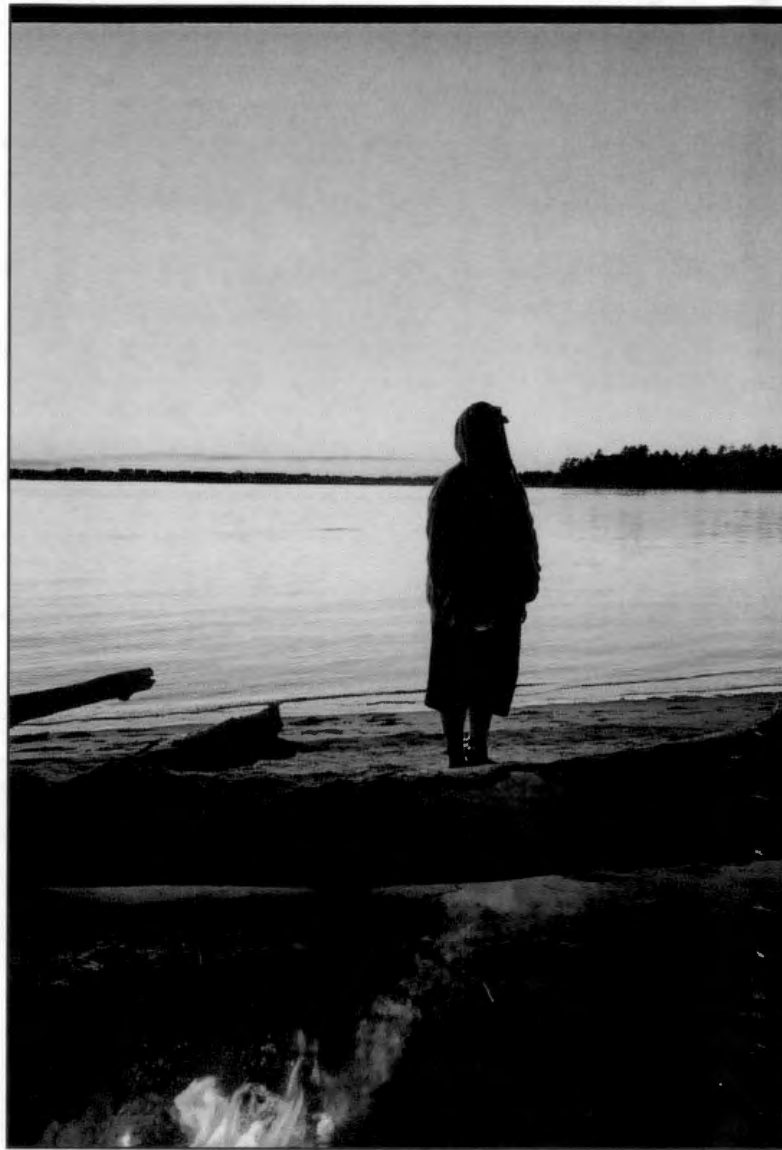
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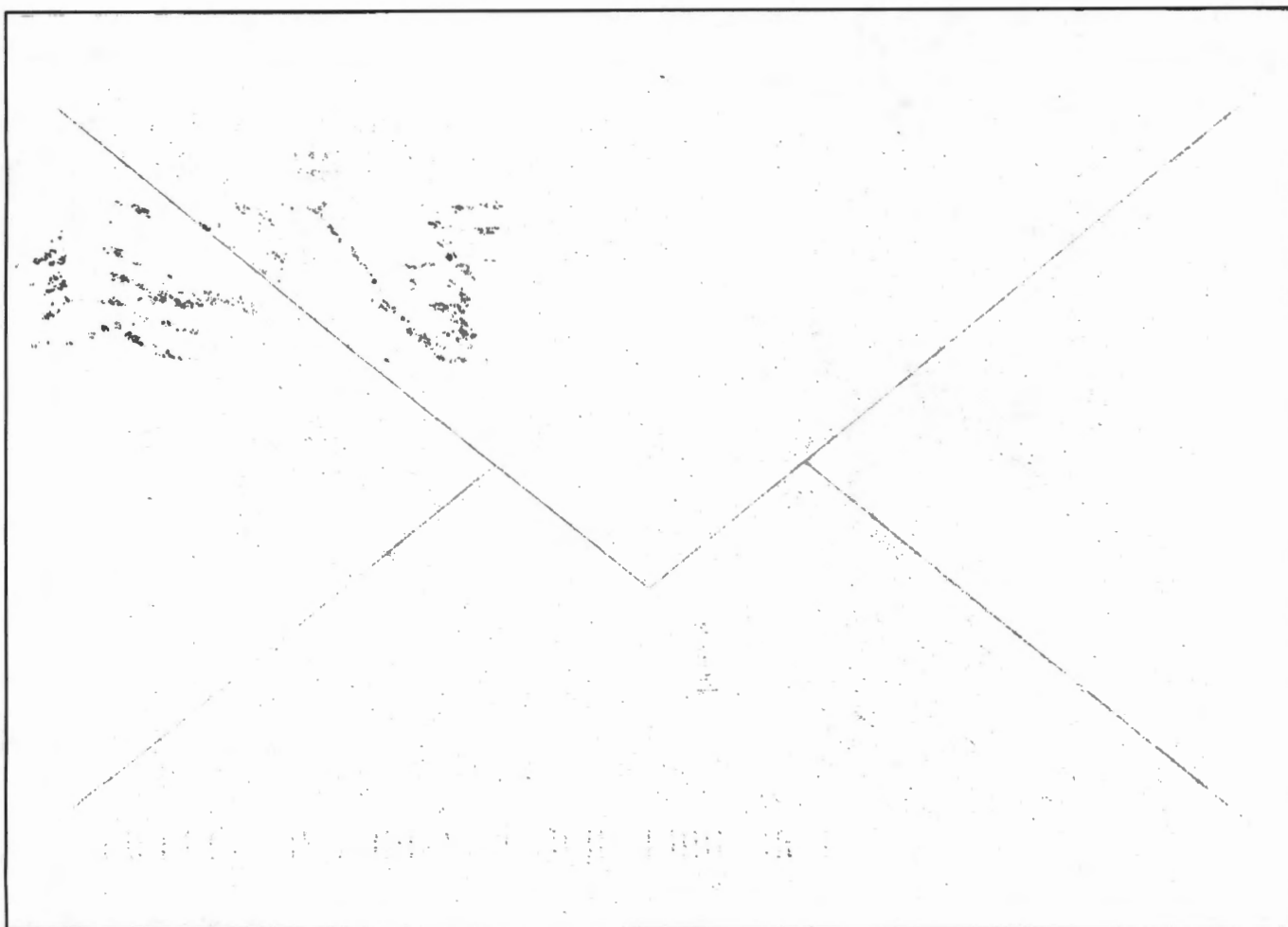












PLAINTIFFS
Exhibit
#2

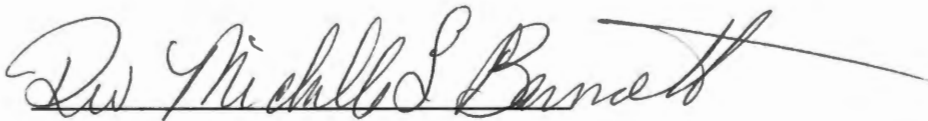
United Stated District Court
State of Oregon

Andrew Barnett

Vs.

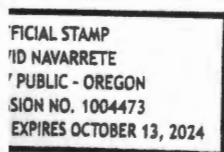
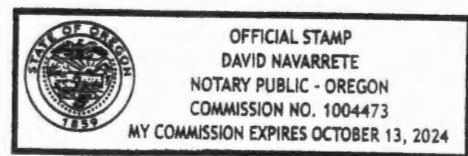
Polk County Jail

I the undersigned Michelle Barnett swear under penalty of perjury that the following is true and correct. My husband is Andrew Barnett. He has been in the Polk County Jail in Dallas, Oregon since January 22nd, 2023 as a pre-trial detainee as of today, April 11th 2023, since then they have destroyed his mail, took me off his visiting list without giving us a due process hearing, verbally abused him, mentally abused him and thrown away letters going to his attorney. I would like an internal inquiry into this and or someone to do an audit on Polk County Jail and the way they treat their inmates. Let this document serve as an official document in the sense of I will come to court and testify to this if need be if a civil trial arises.



Michelle Barnett

Signed this 11th day of April, 2023



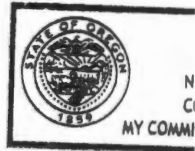
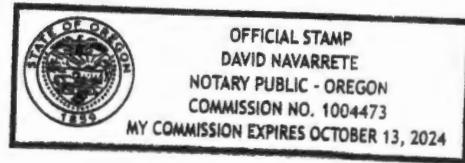
Acknowledgment in an Individual Capacity

State of OREGON
County of POLK

This instrument was acknowledged before me on 4/11/2023.
by Michelle L Barnett.



Notary Public - State of Oregon



United States District Court State of Oregon

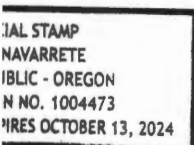
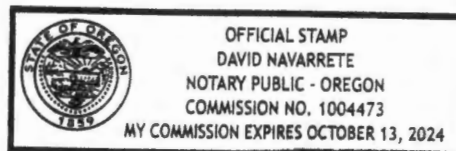
Andrew Barnett
Vs.
Polk County Jail

I the undersigned Michelle Barnett do swear under penalty of perjury that I had occasion to call the Polk County Jail to speak with Sergeant Vorhees, Corporal Brooks, and other jail employees about and for my husband Andrew Barnett concerning his due process, his mail, the newspaper subscription I got for him and if it came and if he got the newspapers and why not, if he got the books I sent him and most importantly that I have power of attorney and please inform me of any major incidents or health issues.

Signed this 11th day of April, 2023.


Michelle L. Barnett

Date 4-11-23



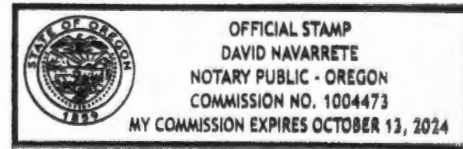
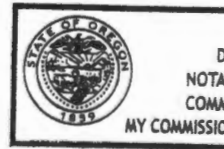
Acknowledgment in an Individual Capacity

State of OREGON
County of POLK

This instrument was acknowledged before me on 4/11/2023.
by Michelle L Barnett.



Notary Public - State of Oregon



+15036239254

Apr 10 07:10 PM Outgoing 31s

+15036239254

Apr 10 12:25 PM Outgoing 32s

+15036239254

Apr 4 04:02 PM Outgoing 3m 23s

+15036239254

Apr 3 05:07 PM Outgoing 1m 19s

+15036239254

Apr 3 05:07 PM Outgoing 1m 19s

+15036239254

Apr 3 04:57 PM Outgoing 3m 5s

+15036239254

Apr 3 04:57 PM Outgoing 2m 17s

+15036239254

Apr 3 04:07 PM Outgoing 5m 2s

+15036239254

Apr 2 08:07 PM Outgoing 6m 44s

+15036239254

Apr 1 10:05 AM Outgoing 1m 49s

+15036239254

Mar 30 08:19 PM Outgoing 2m 2s

+15036239254

Mar 22 04:01 PM Outgoing 27s

+15036239254

Mar 18 08:40 PM Outgoing 1m 27s

+15036239254

Mar 16 03:10 PM Outgoing 4m 15s

+15036239254

Mar 16 12:20 PM Outgoing 4m 13s

+15036239254
Mar 14 01:12 PM Outgoing 1m 30s

+15036239254
Mar 13 08:39 PM Outgoing 2m 54s

+15036239254
Mar 8 07:55 PM Outgoing 2m 59s

+15036239254
Mar 3 01:27 PM Outgoing 1m 36s

+15036239254
Feb 18 01:30 PM Outgoing 1m 16s

+15036239254
Feb 18 10:42 AM Outgoing 1m 39s

+15036239254
Feb 5 01:49 PM Outgoing 24s

+15036239254
Feb 2 03:07 PM Outgoing 4m 16s

+15036239254
Feb 2 03:07 PM Outgoing 4m 16s

+15036239254
Jan 29 10:02 AM Outgoing 1m 23s

+15036239254
Jan 27 01:12 PM Outgoing 6m 10s

+15036239254
Jan 26 02:06 PM Outgoing 45s

Plaintiffs
Exhibit
#3

ORDER PLACED

APRIL 7, 2023

TOTAL

\$2.74

SHIP TO

ANDREW BARNETT 63463

ORDER # 112-4383321-4421862

[VIEW ORDER DETAILS](#) [VIEW INVOICE](#)

DELIVERED TODAY

IT WAS HANDED DIRECTLY TO A RECEPTIONIST OR SOMEONE AT A FRONT DESK. SIGNED BY: MAILROOM

QISKIT POCKET GUIDE: QUANTUM DEVELOPMENT WITH QISKIT

RETURN OR REPLACE ITEMS: ELIGIBLE THROUGH MAY 10, 2023

[BUY IT AGAIN](#)

[VIEW YOUR ITEM](#)

[TRACK PACKAGE](#)[RETURN OR REPLACE ITEM](#)[SHARE GIFT RECEIPT](#)[WRITE A PRODUCT REVIEW](#)

[ARCHIVE ORDER](#)

ORDER PLACED

APRIL 7, 2023

TOTAL

\$2.72

SHIP TO

ANDREW BARNETT 63463

ORDER # 112-2872885-7077050

[VIEW ORDER DETAILS](#) [VIEW INVOICE](#)

DELIVERED TODAY

IT WAS HANDED DIRECTLY TO A RECEPTIONIST OR SOMEONE AT A FRONT DESK. SIGNED BY: MAILROOM

FREED: FIFTY SHADES FREED AS TOLD BY CHRISTIAN (FIFTY SHADES OF GREY SERIES, 6)

RETURN OR REPLACE ITEMS: ELIGIBLE THROUGH MAY 10, 2023

[BUY IT AGAIN](#)

[VIEW YOUR ITEM](#)

[TRACK PACKAGE](#)[RETURN OR REPLACE ITEM](#)[SHARE GIFT RECEIPT](#)[WRITE A PRODUCT REVIEW](#)

[ARCHIVE ORDER](#)

ORDER PLACED

APRIL 7, 2023

TOTAL

\$3.95

SHIP TO

ANDREW BARNETT 63463

ORDER # 112-4784742-9709019

[VIEW ORDER DETAILS](#) [VIEW INVOICE](#)

DELIVERED TODAY

IT WAS HANDED DIRECTLY TO A RECEPTIONIST OR SOMEONE AT A FRONT DESK. SIGNED BY: MAILROOM

THE COUNT OF MONTE CRISTO (WORDSWORTH CLASSICS)

RETURN OR REPLACE ITEMS: ELIGIBLE THROUGH MAY 10, 2023

[BUY IT AGAIN](#)

[VIEW YOUR ITEM](#)

[TRACK PACKAGE](#)[RETURN OR REPLACE ITEM](#)[SHARE GIFT RECEIPT](#)[WRITE A PRODUCT REVIEW](#)

[ARCHIVE ORDER](#)

ORDER PLACED

APRIL 7, 2023

TOTAL

\$2.99

SHIP TO

ANDREW BARNETT 63463

ORDER # 112-7490513-5005864

[VIEW ORDER DETAILS](#) [VIEW INVOICE](#)

DELIVERED TODAY

IT WAS HANDED DIRECTLY TO A RECEPTIONIST OR SOMEONE AT A FRONT DESK. SIGNED BY: MAILROOM

ULTIMATE CROSSWORDS PUZZLE BOOK-VOLUME 167

RETURN OR REPLACE ITEMS: ELIGIBLE THROUGH MAY 10, 2023

[BUY IT AGAIN](#)

[VIEW YOUR ITEM](#)

[TRACK PACKAGE](#)[RETURN OR REPLACE ITEM](#)[SHARE GIFT RECEIPT](#)[WRITE A PRODUCT REVIEW](#)

[ARCHIVE ORDER](#)

ORDER PLACED

APRIL 6, 2023

TOTAL

\$5.99

SHIP TO

ANDREW BARNETT 63463

ORDER # 112-9913718-9428261

[VIEW ORDER DETAILS](#) [VIEW INVOICE](#)

DELIVERED APRIL 7

YOUR PACKAGE WAS DELIVERED. IT WAS HANDED DIRECTLY TO A RESIDENT.

ULTIMATE MIND GAMES: WITH OVER 400 PUZZLES

RETURN OR REPLACE ITEMS: ELIGIBLE THROUGH MAY 7, 2023

[BUY IT AGAIN](#)

[VIEW YOUR ITEM](#)

[TRACK PACKAGE](#)[RETURN OR REPLACE ITEM](#)[SHARE GIFT RECEIPT](#)[WRITE A PRODUCT REVIEW](#)

[ARCHIVE ORDER](#)

ORDER PLACED

APRIL 6, 2023

TOTAL

\$3.89

SHIP TO

ANDREW BARNETT 63463

ORDER # 112-5095618-2347421

[VIEW ORDER DETAILS](#) [VIEW INVOICE](#)

DELIVERED TODAY

IT WAS HANDED DIRECTLY TO A RECEPTIONIST OR SOMEONE AT A FRONT DESK. SIGNED BY: MAILROOM

FREED: A SUPERNATURAL PRISON ROMANCE (IMPRISONED BY THE FAE)

RETURN OR REPLACE ITEMS: ELIGIBLE THROUGH MAY 10, 2023

[BUY IT AGAIN](#)

[VIEW YOUR ITEM](#)

[TRACK PACKAGE](#)[RETURN OR REPLACE ITEM](#)[SHARE GIFT RECEIPT](#)[WRITE A PRODUCT REVIEW](#)

[ARCHIVE ORDER](#)

SHIP TO

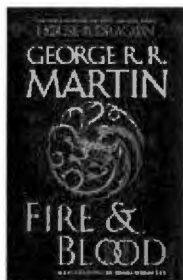
Andrew Barnett 63463

ORDER # 114-1300645-3538603

[View order details](#) [View invoice](#)

Delivered March 31

It was handed directly to a receptionist or someone at a front desk. Signed by: Rachel



Fire & Blood (HBO Tie-in Edition): 300 Years Before A Game of Thrones (The Targaryen Dynasty: The House of the Dragon)

Return or replace items: Eligible through April 30, 2023

[Buy it again](#)

[View your item](#)

[Track package](#)[Return or replace items](#)[Share gift receipt](#)[Write a product review](#)

[Archive order](#)

ORDER PLACED

February 9, 2023

TOTAL

\$30.00

SHIP TO

Andrew Barnett 63463

ORDER # 112-2581330-3006622

[View order details](#) [View invoice](#)

Delivered February 13

Your package was delivered. It was handed directly to a resident.



Cassandra Clare The Mortal Instruments 7 Books Collection Set (City of Bones, City of Ashes, City Glass, City of Lost Soul, City of Fallen Angels, City of Heavenly Fire & The Shadowhunter's Codex))

Return window closed on March 15, 2023

[Buy it again](#)

[View your item](#)

[Get help](#)[Write a product review](#)

[Archive order](#)

[Quoted text hidden]

ORDER PLACED

March 29, 2023

TOTAL

\$35.95

SHIP TO

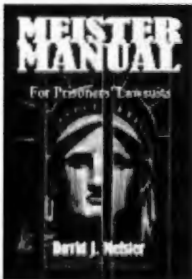
Andrew Barnett 63463

ORDER # 114-2150353-3913859

[View order details](#) [View invoice](#)

Delivered April 3

Your package was delivered. It was handed directly to a resident.



Meister Manual: For Prisoners' Lawsuits

Return or replace items: Eligible through May 3, 2023

[Buy it again](#)

[View your item](#)

[Track package](#)[Return or replace items](#)[Share gift receipt](#)[Write a product review](#)

[Archive order](#)

ORDER PLACED

March 29, 2023

TOTAL

\$13.99

ORDER PLACED

APRIL 6, 2023

TOTAL

\$19.99

SHIP TO

ANDREW BARNETT 63463

ORDER # 112-8877400-2854622

[VIEW ORDER DETAILS](#) [VIEW INVOICE](#)

DELIVERED TODAY

IT WAS HANDED DIRECTLY TO A RECEPTIONIST OR SOMEONE AT A FRONT DESK. SIGNED BY: MAILROOM

YOU ARE THE WAY: MANIFEST YOUR DREAM LIFE WITH NEVILLE GODDARD'S LAW OF ASSUMPTION

RETURN OR REPLACE ITEMS: ELIGIBLE THROUGH MAY 10, 2023

[BUY IT AGAIN](#)

[VIEW YOUR ITEM](#)

[TRACK PACKAGE](#)[RETURN OR REPLACE ITEM](#)[SHARE GIFT RECEIPT](#)[WRITE A PRODUCT REVIEW](#)

[ARCHIVE ORDER](#)

ORDER PLACED

APRIL 6, 2023

TOTAL

\$6.99

SHIP TO

ANDREW BARNETT 63463

ORDER # 112-6873336-9575422

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